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1862

ACTS

PASSED AT THE THIRTEENTH OR SPECIAL SESSION

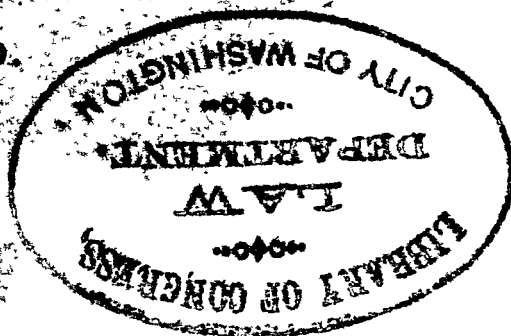
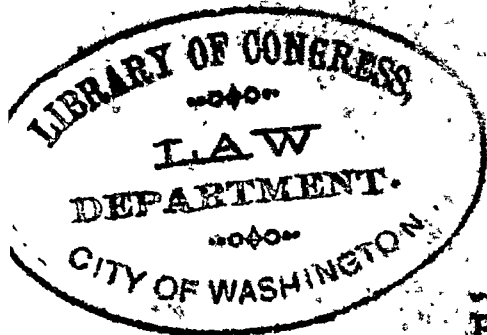
OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE
ROCK, ON MONDAY, THE SEVENTEENTH DAY OF MARCH, ONE
THOUSAND, EIGHT HUNDRED AND SIXTY-TWO, AND ENDED
ON SATURDAY THE TWENTY-SECOND DAY OF MARCH,
ONE THOUSAND, EIGHT HUNDRED
AND SIXTY-TWO.



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1862.

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ACTS
PASSED AT THE
SPECIAL SESSION
of 1862.

AN ACT *to prevent the distillation of grain in this state into spirituous liquors.*

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas, That it shall not be lawful for any person, or persons, in this state, to distill any kind of grain, or potatoes, into spirituous liquors, during the existence of the present war with the United States.*

SEC. 2. *Be it further enacted, That, for each and every violation of this act the offender or offenders, shall be punishable by presentment or indictment, and, upon conviction, shall be fined not less than five hundred dollars, and imprisoned not less than one month.*

SEC. 3. *Be it further enacted, That the several judges of the circuit courts of this state shall give this act in charge to their respective grand juries.*

SEC. 4. *Be it further enacted, That this act take effect from and after its passage.*

APPROVED March 19th, 1862.

AN ACT *to provide rooms for the offices of the Auditor and Treasurer, and to secure the preservation of certain records and treasure.*

* WHEREAS, The accumulating business in the offices of the auditor and treasurer is such that the rooms at present used by them for offices are found too small and inadequate; and Gen. Albert Pike has offered the use of the bank building, fronting the capitol, which is large, suitable and commodious, free of rent or expense to the state; therefore,

Be it enacted by the General Assembly of the State of Arkansas.

SEC. 1. That the treasurer be permitted to remove the records and furniture of his office to the building fronting the capitol, known as the State Bank building, and transact there the business of said office, and the room in the basement of the capitol, now occupied by the treasurer may be occupied by the auditor, in addition to the one now occupied by him.

SEC. 2. This act shall be in full force and effect from and after its passage.

APPROVED March 21st, 1862.

AN ACT *concerning ferries and ferry privileges.*

Be it enacted by the General Assembly of the State of Arkansas,

SEC. 1. That from and after the taking effect of this act, whenever there are or may be within the corporate limits of any incorporated city or town in this state, or within six miles from the nearest point of the exterior boundary or limits of such corporation, two or more licensed ferries or ferry privileges, owned, held, or claimed, by any person or persons, across any navigable stream, adjoining such city or town, it shall not be lawful for such persons by any agreement, or otherwise to com-

bine or consolidate any two or more of such licensed ferries or ferry privileges.

SEC. 2. If any such licensed ferry or ferry privilege be not regularly used and kept up as a public ferry, in accordance with the provisions and requirements contained in the revised statutes, or any general law that may be hereafter enacted, regulating ferries, for or during any three consecutive months, such failure or omission, on the part of any owner, lessee, or claimant of any such licensed ferry, or ferry privilege, shall be deemed and taken as a waiver or abandonment of any such license or privilege.

SEC. 3. Each and every person offending against the provisions contained in the first section of this act shall be liable to indictment therefor, in the circuit court of the county in which such licensed ferry or ferry privilege may be situate, or if the same be partly in two counties, then in either of said counties, and on conviction thereof, shall be fined in any sum not less than one thousand nor more than two thousand dollars.

SEC. 4. Whenever it shall be made to appear to the county court of the county in which any such incorporated city or town is or may be situated, after citation issued and served upon the person or persons, owning, leasing or claiming any such licensed ferry or ferry privilege, and a hearing of the matter by said court, that any ferry license or ferry privilege has been waived or abandoned by non use, as provided in the second section of this act, it shall be the duty of such county [court] to declare and enter judgment of waiver and abandonment in such cases, and at any time thereafter, if, in the opinion of such court, the public convenience requires it; said court shall have full power and authority to grant a license to any other person or persons, applying therefor, and coming under obligations, as provided by law, to keep up such ferry, during the continuance of such license, and for that purpose, the shore or bank of such navigable stream, within the corporate limits of any such town or city, shall be deemed and taken to be a public [ferry] and subject to the control of such county court.

SEC. 5. This act shall take effect and be in force [from] and after the 15th day of April, 1862.

APPROVED, March 21st, 1862.



AN ACT *to prohibit the further sale of the public lands of this state, and for other purposes.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That there shall be no further sale of the public lands belonging to the State of Arkansas, of any description or character, whatever, until after the close of the present war between the United States and the Confederate States of America, and the establishment of peace between said governments; *Provided*, That the faith of the State of Arkansas, and all the public lands thereof, are hereby pledged for the payment and redemption of the bonds and treasury warrants heretofore, or which may be hereafter issued; and said public lands are hereby reserved from sale for that purpose.

SEC. 2. *Be it further enacted*, That all pre-emptions heretofore made upon any of the public lands of this state, shall remain in force until the establishment of peace between the Confederate and United States governments, and for the term of three months thereafter; *Provided*, That all persons in active service of the Confederate States army, in the present war, whether as officers or soldiers, shall have time for the full term of twelve months after the ratification of peace between the aforesaid governments, to prove up and establish any pre-emptions heretofore made by them, whether by reclamation or otherwise, in case they shall severally notify the land officers of the district where their respective pre-emptions shall have been made, within three months after the establishment of peace between the aforesaid governments, of their respective

claims under this provision. All other persons shall have time only for the term of three months after the ratification of peace as aforesaid, to prove up and establish their pre-emptions; and no further pre-emptions shall be made on any of the public lands of this state until after the ratification of peace, as aforesaid.

SEC. 3. *Be it further enacted*, That no land officer of this state, now receiving a specific salary for his services, as such, shall receive the same from the passage hereof, until after the ratification of peace between the Confederate and United States governments; when he shall be entitled to his salary as heretofore, unless otherwise provided by law.

SEC. 4. *Be it further enacted*, That no person or persons shall be allowed, after the passage of this act, to pay for any swamp or overflowed lands, by virtue of any reclamation hereafter made upon said lands; and that all laws, or parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act take effect, and be in force from and after its passage.

APPROVED, 21st March, 1862.

AN ACT concerning the cultivation of Cotton.

WHEREAS, In the opinion of this General Assembly the vital interests of our country demand that the culture of cotton should be restricted; and, in lieu of that, the production of corn, wheat, and other grain should be increased, and in view of such public policy and necessity, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That in or during the year 1862, it shall not be lawful for any person, or persons in this state, owning, claim-

ing, leasing, or possessing any cleared or tillable land, farm, or plantation, to plant or to cultivate more than two acres of such farm, plantation, or land in cotton, to the hand, according to the number of hands that are or may belong to, or be engaged in the cultivation of such farm, plantation, or land; and any and every persons offending against this act, he, she or they shall be deemed guilty of a misdemeanor, and be liable to indictment therefor in the circuit court of the county in which such farm, plantation, or land may be situate, and if found guilty, on trial thereof, shall be fined in any sum not less than five hundred dollars, nor more than five thousand dollars, at the discretion of the jury assessing the fine in such case, and shall be imprisoned in the common jail of such county until said fine and the costs of such prosecution be paid.

SEC. 2. That in trials under this act, it shall be left to the jury, in each case, to determine upon evidence, if there be any controversy concerning the same, what constitutes a hand, as contemplated by this act, on any such farm, plantation, or land, in the cultivation of the same, according to the general usage of the country in such cases; and that for the due observance and enforcement of this act, it shall have a liberal interpretation and exposition in all courts of justice, and free from any technical evasions of its import, true intent and meaning.

SEC. 3. This act, without delay, after its passage, shall be published in the newspapers of the city of Little Rock, and in such other newspapers of the state, not exceeding four in number, as the governor may select for that purpose.

SEC. 4. That no person, or slaves, under fourteen years of age, shall be considered a hand, under the provision of this act.

SEC. 5. This act shall take effect and be in force from and after its passage, and shall continue in force until after the close of the first regular session of the General Assembly.

APPROVED, March 21, 1862.

AN ACT to define the 8th section of the act, approved November 18th, 1861, entitled "an act to facilitate the circulation of the Arkansas war bonds and treasury warrants."

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the word "permit," in the first provision of the eighth section of said act, be erased, and the word "prevent," substituted therefor.

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

APPROVED, 21st March, 1862.

AN ACT supplemental to an act entitled "an act to provide for the payment of the war tax imposed by an act of the provisional Congress of the Confederate States, approved the 19th of August, 1861, and for other purposes," approved the 18th November, 1861.

WHEREAS, Inasmuch as the proposition of this state, made under the provisions of said act, to which this is supplemental, was not accepted by the proper authority of the Confederacy for the canceling of so much of the indebtedness of the Confederate States to this state, as would be equal to the sum of the taxes assessed against the people of this state, under said act of the provisional Congress of the Confederacy, approved August 19th, 1861, less ten per centum thereon; therefore, to render said original act of the General Assembly of this state, approved November 18th, 1861, operative, so far as the same is not hereby repealed,

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the governor, after ascertaining the indebtedness of the Confederacy to the State of Arkansas, for cloth-

ing, furnished the Confederate States army by this state, up to the date of the passage hereof, in manner and form as provided for his ascertaining the amount of the claims of this state against the Confederacy, in said original act, approved November 19th, 1861, shall propose to the proper authorities of the Confederacy to have the same set off against the war tax imposed upon the people of this state, by said act of the provisional Congress of the Confederacy, approved August 19th, 1861, and in payment of so much thereof; and upon such proposition being accepted, the governor shall forthwith draw his warrant upon the auditor of the state for the balance remaining due the Confederacy of said war tax, less ten per centum on the full amount of said war tax, specifying in his said warrant the purpose for which the same is drawn, in accordance herewith; and the auditor shall draw his warrant upon the treasurer of the state in favor of the governor for the amount thereof; and the treasurer, on the receipt of such warrant, is hereby authorized and required forthwith to issue treasury notes, or warrants, bearing eight per centum interest per annum from their date, but without coupons attached, in convenient sums for insuring their ready circulation, to the amount of the auditor's said warrant; *Provided*, That in the event the governor's said proposition to the said proper authority of the Confederacy is not accepted thereby, then, and in that event, the governor shall draw his warrant on the auditor for the full amount of the tax due from the people of this state to the Confederacy, less ten per centum thereon, as aforesaid, and the auditor shall thereupon comply therewith as hereinbefore provided.

SEC. 2. *Be it further enacted*, That upon the receipt of the treasury notes, or warrants, as hereinbefore provided for, the governor shall cause the amount of said tax, or the balance thereof, as the case may be, less ten per centum, on the full amount thereof, to be paid to the proper authority of the Confederacy, in such treasury notes or warrants, and shall cause the auditor of the state, or the commissioner thereof, should one be appointed under the provisions of said original act, to exe-

cute and receive such vouchers as shall be necessary, in making the payment of said Confederate tax, in the manner herein provided, and the vouchers so received, and the copies of those given, shall be filed in the office of the auditor of this state.

SEC. 3. *Be it further enacted*, That in the event that the proper authority of the Confederate government will not receive the treasury notes or warrants of this state, in payment of said war tax, as hereinbefore provided for, then the governor, or the commissioner, in case one is appointed, as aforesaid, shall negotiate, or exchange such treasury notes or warrants for Confederate notes, or bonds, upon the best possible terms for the interest of the state; *Provided*, That no more than ten per centum shall be paid for such exchange, and with such Confederate notes or bonds, he shall forthwith pay such tax as hereinbefore provided.

SEC. 4. *Be it further enacted*, That as much of said original act, to which this is supplemental, as may conflict herewith, is hereby repealed, and that this and said original act shall be so construed as to harmonize their respective provisions.

SEC. 5. *Be it further enacted*, That the warrants provided to be issued under the provisions of this act shall stand upon the same basis as warrants issued under the laws and ordinances of this state.

SEC. 6. *Be it further enacted*, That the treasury warrants, or state bonds, to be issued under the provisions of this act shall be redeemed by a state tax, to be hereafter levied on and collected from the property in this state, which is made liable for the Confederate States war tax, under the act of the Confederate States Congress, levying such war tax.

SEC. 7. *Be it further enacted*, That in case any person in this state shall have paid the Confederate States war tax, the same shall be immediately refunded by the sheriff, or other collector thereof, to the person having so paid the same.

SEC. 8. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, March 21st, 1862.

AN ACT *to amend the criminal law as to slaves.*

Be it enacted by the General Assembly of the State of Arkansas.

SECTION 1. Any slave convicted of wilfully and maliciously attempting to poison any white person, shall be punished with death.

SEC. 2. Any slave convicted of a wilful and malicious attempt to commit arson, shall be punished with death.

APPROVED, March 21st, 1862.

AN ACT *for the relief of the residents of this state.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That from and after the passage of this act, all citizens of this state who may have any of their lands, no matter in which county the same may be situated, sold for the taxes due thereon, or for any tax which may be due from said citizen or citizens; to the state or county, such citizen, or citizens, so having lands sold, shall have, and be entitled to the same rights and privileges to redeem the same as any non-resident now has to redeem his or their lands after the same have been sold for non-payment of taxes.

SEC. 2. *Be it further enacted,* That the lands of any citizen of Arkansas, in the military service of the Confederate States, shall be redeemable, when sold for taxes, for twelve months after the close of the present war, upon payment of all the taxes and costs due thereon.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act are hereby repealed, and this act shall be in force from its passage.

APPROVED, 21st March, 1862.

AN ACT amendatory of the patrol laws of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That any person, or persons, who shall molest, or hinder any regularly appointed patrol company, whilst in the discharge of their duty, by force of arms, or otherwise, shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five, nor more than one hundred dollars for each offence.

SEC. 2. That this act take effect and be in force from and after its passage.

APPROVED, March 21st, 1862.

AN ACT for the relief of the families of volunteers of this state, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the county court of any county in this state may levy and collect a sufficient tax, annually, on all the objects of taxation for state revenue, for the relief and support of the families of volunteers, while in actual military service, when, from indigence or affliction, such relief may be necessary; and shall have power to issue and appropriate county scrip in anticipation of such tax to effect the object of this act.

SEC. 2. *Be it further enacted,* That such tax shall be expended for the benefit of families of volunteers residing in the county where the same is levied, and the collector of revenue shall receive such compensation for his services under this act as shall seem just to the county court.

SEC. 3. *Be it further enacted,* That the county court shall have power to authorize the payment of such tax, or a part thereof, in such articles as may be needed by the families of volunteers, upon such terms, and in such manner as may be deemed best by the county court.

SEC. 4. *Be it further enacted, That this act take effect and be in force from and after its passage.*

APPROVED, March 22d, 1862.

AN ACT *to define and punish sedition, and to prevent the dangers which may arise from persons disaffected to this state, or to the Confederate States of America.*

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That if any person within this state shall maliciously and advisedly discourage the people from enlisting into the service of this state, or the Confederate States, or dispose the people to favor the enemy, every such person shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the penitentiary of this state for a term of not less than three nor more than five years.*

SEC. 2. *Be it further enacted, That this act be in force from and after its passage.*

APPROVED, March 22d, 1862.

AN ACT *making appropriations to pay the Confederate tax and for other purposes.*

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas, That the following sums of money, be, and the same are hereby respectively appropriated out of any money in the treasury, not otherwise appropriated:*

1st. To pay the Confederate tax, the sum of six hundred and fifty thousand dollars.

2d. To pay for carrying into effect the present military law of this state, the sum of seventy-five thousand dollars.

3d. To pay the necessary expenses of causing the accounts and claims of this state, against the Confederate States, to be audited under the act of the late extra session of the General Assembly of this state, to provide for the payment of the war tax imposed by act of the Provisional Congress of the Confederate States, approved August 19th, 1861, and for other purposes, the sum of two thousand dollars.

4th. To pay members and officers, and the contingent expenses of this General Assembly, the sum of twenty thousand dollars.

5th. That the sum of five hundred thousand dollars, is hereby appropriated for military purposes.

6th. That the appropriations herein made, shall be paid in treasury warrants.

APPROVED March 22d, 1862.



Resolved by the General Assembly of the State of Arkansas,
That the special sergeants-at-arms, sent to procure the attendance of absent members of the two houses, shall each be allowed three dollars a day for every day they have been absent upon such duties, and all necessary expenses incurred thereby, and the secretary of the Senate, and clerk of the House, shall ascertain and draw the amounts due said sergeants-at-arms, or certify their accounts therefor, for the payment of which a sufficient amount is hereby appropriated out of the state treasury.

APPROVED, March 21st, 1862.

WHEREAS, Gen. Beauregard has called upon the citizens of the Confederacy to forward to him all their bells or brass; therefore, be it

Resolved by the General Assembly of the State of Arkansas,
That the churches of the different denominations of christians in this state, and the planters generally, who may be the owners of brass bells, be earnestly and respectfully requested to make a tender of the same to the Confederate States of America, for the purpose of having the same converted into cannon, to be used in defending their homes and obtaining their liberties.

APPROVED, 21st March, 1862.

OFFICE OF THE SECRETARY OF STATE,
Little Rock, Arks., April 2, 1862.

I have compared the foregoing printed laws and resolutions with the original rolls thereof in my office, and do certify that they are a true copy, with the exception of those words included [thus], inserted to correct an obvious error.

JOHN I. STIRMAN,
Secretary of State.